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09/608,501	06/30/2000	Vinu Sunderasan	COVDP008	2138

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EXAMINER

DUONG, THOMAS

ART UNIT PAPER NUMBER

2145

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,501

Applicant(s)

SUNDERASAN ET AL.

Examiner

Thomas Duong

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/8/01, 10/6/03, + 10/3/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on March 14, 2006. Applicant amended *claims 1, 14, and 24*. *Claims 1-36* are presented for further consideration and examination.

Claim Objections

2. Claim 8 is objected to because of the following informalities:
 - “with a identification” is misspelled. Please make the appropriate correction.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 24-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter, which is not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not show how the computer program product stored in a tangible computer readable medium can perform the modules claimed. Please clarify the language of the claim or make the appropriate corrections.

Art Unit: 2145

5. Claims 24-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose the computer program product as claimed. Please clarify the language of the claim or make the appropriate corrections.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 24-36 are rejected under 35 U.S.C. 101 because the claims are not limited to tangible embodiments since they are stored on an unspecified computer readable medium as claimed. As such, the claim is not limited to statutory subject matter and is therefore non-statutory. To overcome this type of 101 rejection the claims need to be amended to include only the physical computer media and not a transmission media or other intangible or non-functional media. For the specification at the bottom, carrier medium and transmission media would be not statutory but storage media would be statutory. Please clarify the language of the claim or make the appropriate corrections.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2145

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-6, 14-19, 24-29, and 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilles et al. (US006249578B1).

10. With regard to claims 1, 14, and 24, Gilles discloses,

- electronically receiving a request message relating to the high speed network access service from a first service provider by a second service provider of the high speed network access service via a network, the first and second service providers cooperating to provide high speed network access service to an end subscriber, the cooperating includes after the high speed network access service is established and includes the high speed network access service itself; (Gilles, col.3, lines 1-61; col.6, lines 31-50; col.7, lines 3-16)

Gilles teaches “gathering customer information during a pre-ordering process.

This is typically preformed by the reseller in response to a customer inquiry or

request for a service” (Gilles, col.6, lines 31-34); and “once validated, the

information is communicated from the reseller to the wholesaler... This may be

accomplished using a dedicated or direct connection between the reseller and

the wholesaler” (Gilles, col.7, lines 3-6). Hence, Gilles anticipates sending a

request for service from the reseller of the network to the wholesaler of the

network responding to the end user’s request. In addition, Gilles discloses, “a

telecommunications reseller 50 interfaces with end users or customers 52, 54 to provide various retail telecommunications products and services 56 such as caller ID 58, remote access call forwarding 60, and call waiting 62, for example. Reseller 50 provides the customer service functions including invoicing, collections, service inquiries, new telephone numbers, directory listings, and the like" (Gilles, col.3, lines 19-25). Also, Gilles discloses, "the reseller would use this transaction set to request telecommunications services from the wholesaler. Preferably, the purchase order is used to request any of the following types of services, each based on unique transaction identifiers contained within the transaction set: telephone number inquiries, reservations, reservation cancellations, and reservation confirmations; due date inquiries, reservations, reservation cancellations, and reservation confirmations; customer service record requests; and service requests" (Gilles, col.5, lines 6-15). Hence, Gilles teaches of the reseller obtaining plurality of types of services from the wholesaler and offering those same services to the end user or customer. Thus, in effect, the reseller and wholesaler are cooperating to provide network access services to the end user or customer. Furthermore, the fact remains that the actual network access offered by the reseller is ultimately provided over service purchased from the wholesaler. Thus, again, the reseller and the wholesaler are cooperating to provide network access services to the end user. Even more, Gilles specifically discloses, "once a relationship has been established between reseller 50 and wholesaler 22, reseller 50 receives regular transmissions of a feature availability file 200 and address validation file 202 for subsequent use in processing customer orders. When reseller 50 receives an order or inquiry from a customer,

Art Unit: 2145

reseller 50 initiates an electronic request to the wholesaler 22", in order to fulfill the end user or customer's request or inquiry (Gilles, col.7, lines 39-46).

Therefore again, this is an example of the reseller and the wholesaler cooperating to provide network access services to the end user.

- *processing the request message from the first service provider automatically upon the receiving using a computer system to automatically generate a response message to the request message by the second service provider; and (Gilles, col.7, line 17 – col.8, line 30; col.10, lines 33-53; col.13, line 65 – col.14, line 11)*

Gilles teaches of *"the appropriate information is then automatically transferred to the wholesaler's internal order system as represented by blocks 486 and 488.*

The order is processed and a response is generated, translated using the standard transaction set, and transmitted to the reseller" (Gilles, col.14, lines 4-8). Hence, Gilles anticipates automatically processing the request message from the reseller and automatically generating a response from the wholesaler and transmitting the response to the reseller.

- *electronically transmitting the response message from the second service provider to the first service provider via the network automatically upon completion of the processing, (Gilles, col.7, line 17 – col.8, line 30; col.10, lines 33-53; col.13, line 65 – col.14, line 11)*

Gilles teaches of *"the appropriate information is then automatically transferred to the wholesaler's internal order system as represented by blocks 486 and 488.*

The order is processed and a response is generated, translated using the standard transaction set, and transmitted to the reseller" (Gilles, col.14, lines 4-

8). Hence, Gilles anticipates automatically processing the request message from the reseller and automatically generating a response from the wholesaler and transmitting the response to the reseller.

- *wherein the processing of the request message by the second service provider utilizes a predefined request document tag definition and the generating of the response message by the second service provider utilizes a predefined response document tag definition.* (Gilles, col.1, lines 23-44; col.2, lines 53-67; col.6, line 56 – col.7, line 2; col.11, lines 5-7; col.14, lines 36-39)

Gilles teaches of *“the development of transaction sets particularly suited for telecommunications services and products provides a standard method for electronic ordering where external access to dynamic data is required”* (Gilles, col.2, lines 59-63). According to Gilles, *“the CSR [Customer Service Record] interface uses the Flexible Communications Interface Format (FCIF) developed by Bellcore. This format uses a tag value methodology”* (Gilles, col.11, lines 5-7).

11. With regard to claims 2, 15 and 25, Gilles discloses,

- *wherein the processing of the request message determines a type with which the request message is associated, the type is selected from the group consisting of service availability, DSL service, order entry, order status, order summary, trouble ticket entry, trouble ticket status, and trouble ticket summary* (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)

12. With regard to claims 3-6, 16-19, and 26-29, Gilles discloses,

Art Unit: 2145

- *wherein the processing of the request message utilizes the predefined request document tag definition corresponding to the request message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*
 - *wherein the generating of the response message generates the response message in conformity to the predefined response document tag definition corresponding to the response message type and associates the response message with the request message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*
 - *wherein the processing of the request message includes determining from the request message values for request parameters corresponding to the message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*
 - *wherein the generating of the response message includes associating the response message with said message type and incorporating into the response message values for response parameters corresponding to said message type. (Gilles, col.5, lines 3-26; col.7, line 61 – col.8, line 30)*
13. With regard to claims 34-36, Gilles discloses,
- *wherein the processing of the request message utilizes the predefined request document tag definition corresponding to the request message type. (Gilles, abstract; col.7, lines 35-51)*

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2145

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 7-13, 20-23, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilles et al. (US006249578B1) and in view of Chen et al. (US006507856B1).

16. With regard to claims 7 and 8, Gilles disclose,

See *claim 1* rejection as detailed above.

However, Gilles does not explicitly disclose,

- *wherein, where the request message includes at least one sub-request, the generating of the response message includes generating the response message with at least one sub-response, each sub-response corresponding to one of at least one sub-request.*
- *wherein the generating of the response message includes associating each sub-response with a identification code associated with the corresponding sub-request.*

Chen teaches,

- *wherein, where the request message includes at least one sub-request, the generating of the response message includes generating the response message with at least one sub-response, each sub-response corresponding to one of at least one sub-request (Chen, col.2, lines 29-42; fig.7-8; col.3, line 37 - col.4, line 39)*

- *wherein the generating of the response message includes associating each sub-response with a identification code associated with the corresponding sub-request. (Chen, col.2, lines 29-42; col.3, line 37 - col.4, line 39; fig.7-8)*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Chen with the teachings of Gilles to enable additional data retrieval or formatting implementations to be quickly and easily added into the computing environment, providing greater flexibility in the manner in which data can be presented, and possible increasing overall system throughput and alleviating potential processing bottlenecks. Furthermore, it makes changes less error-prone because it is more likely that all the code needing change will be located, and will therefore be changed.

17. With regard to claims 9, 20 and 30, Gilles and Chen disclose,

- *wherein the processing of the request message includes decoding the request message from extensible markup language (XML) and the generating of the response message includes encoding the response messages in XML (Chen, col.2, lines 29-42; col.3, line 37 - col.4, line 39; fig.7-8)*

18. With regard to claims 10-13, 21-23 and 31-33, Gilles and Chen disclose,

- *wherein each predefined response and request document tag definition is associated with a message document header tag definition, corresponding one of a request and response message header tag definition and a message body tag definition (Chen, col.2, lines 29-42; col.3, line 37 - col.4, line 39; fig.7-8)*

Response to Arguments

19. Applicant's arguments with respect to *claims 1, 14, and 24* have been considered but they are not persuasive.

20. With regard to *claims 1, 14, and 24*, the Applicants point out that:

- *Gilles [does] not disclose automated communications between two service providers, as recited in the claims.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Gilles clearly discloses, "*automated electronic processing of orders for telecommunications products and services according to the present invention minimizes or eliminates human intervention to reduce or eliminate costs associated with handling paper documents*" (Gilles, col.2, lines 53-57).

21. With regard to *claims 1, 14, and 24*, the Applicants point out that:

- *Furthermore, each of independent claims 1, 14, and 24 generally recites that the request message relates to the high speed network access service. Gilles does not disclose high speed network access service nor request for the high speed network access service.*

However, the Examiner finds that the Applicants' arguments are not persuasive because Gilles clearly discloses, "*a number of Local exchange Carriers (LEC), such as LEC 22, which function as wholesalers for telecommunications products and services. Each LEC 22 owns and/or manages one or more Central Offices (CO), indicated generally by reference numeral 24, such as Central Offices 26-36. As is shown, each CO 24 typically serves a particular geographic area and includes*

various hardware and software to deliver telecommunication services” (Gilles, col.3, lines 5-13). In addition, Gilles disclose, “depending upon the particular bandwidth requirement of reseller 50, i.e., the quantity, complexity, and frequency of transactions between reseller 50 and wholesaler 22, a particular class of circuit 42 is selected and installed. This may include DS0 (Digital Service Level 0-56Kbps)/DS1 (Digital Service Level 1-1.5Mbps) 90, T1 92, frame relay 94, or the like” (Gilles, col.3, lines 55-61). Hence, Gilles teaches of the reseller purchasing certain bandwidth from the wholesaler, and, in turn, offer them to the end user or customer.

22. With regard to claims 1, 14, and 24, the Applicants point out that:

- *The claims are directed to better address the needs and requirements that are particular to the ordering of high speed network access service and to the high speed network access service itself. In contrast, Gilles neither discloses nor suggests the provision of high speed network access service.*

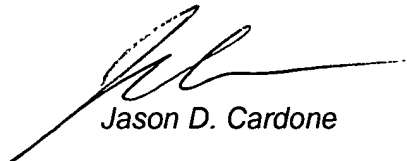
However, the Examiner finds that the Applicants’ arguments are not persuasive because Gilles clearly discloses, *“to provide prompt and efficient customer support, reseller 50 preferably utilizes electronic ordering according to the present invention to provide telecommunications products/services 64 to customers 52, 54. Reseller 50 employs customer service agents 70 which process requests from customers 52, 54 relative to telecommunications products and services”* (Gilles, col.3, lines 36-42).

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

May 25, 2006



Jason D. Cardone

Supervisory PE (AU2145)